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Appeal from Circuit Court, Tazewell County.

Suit by the Tazewell Coal & Iron Company against Joseph S. Gillespie and others. Judgment for defendants, and complainant appeals. Affirmed.

Henry & Graham and *Phlegar, Powell, Price & Shelton*, for appellant.

Chapman & Gillespie, Henson & Bowen, and *A. S. Higginbotham* for appellees.

COLONIAL COAL & COKE CO. v. GASS.

Sept. 12, 1912.

[75 S. E. 775.]

1. Master and Servant (§ 185*)—Fellow Servants—Effect of Rule.

—A rule of a coal mining company requiring miners to examine the condition of their working places and to report any unsafe condition, ceasing work until the place is made safe, merely requires each employee to take precautions for his own safety, and does not constitute one miner a vice principal, as affecting liability for death of a fellow miner caused by slate falling from the roof of the mine room.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 385-421; Dec. Dig. § 185.*]

2. Death (§ 86*)—Wrongful Death—Damages—Measure.

—In an action by a mother for negligent death of her 18 year old son, she is entitled to recover the amount of his probable earnings during what would have probably been his lifetime, and not merely during her probable lifetime, though, having a husband, she was not dependent upon her son for support.

[Ed. Note.—For other cases, see Death, Cent. Dig. §§ 112-114, 119; Dec. Dig. § 86.*]

Error to Circuit Court, Wise County.

Action by Pearl Gass, administratrix, against Colonial Coal & Coke Company. Judgment for plaintiff, and defendant brings error. Reversed.

CARDWELL, J., Absent.

Vicary & Peery and *Bullitt & Chalkley*, for plaintiff in error.

William H. Werth and *E. M. & H. E. Fulton*, for defendant in error.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.